IN THE DISTRICT COURT OF THE UNITED STATES FOR THE WESTERN DISTRICT OF NORTH CAROLINA **CHARLOTTE DIVISION**

CRIMINAL NO. 3:01CR151

UNITED STATES OF AMERICA)	
)	
)	
vs.)	ORDER
)	
)	
ERIC LOWERY, et al.,)	
)	

THIS MATTER is before the Court on the Government's revised request for destruction of a firearm introduced into evidence during the trial of Defendant Lamar Redfern.

Although no objections to the motion have been filed, the Court has received notice of remand from the Fourth Circuit in the case of Defendant Redfern vacating in part his sentence and ordering a new sentencing hearing. Therefore, the Court will require the Government to file notice of whether or not the destruction of the subject firearm should be delayed until after the new proceedings have been concluded.

IT IS, THEREFORE, ORDERED that the Government shall file response to this Order within 15 days of entry herein.

Signed: August 5, 2005

Lacy H. Thornburg United States District Judge